

## **REMARKS/ARGUMENTS**

### ***Status of the Application***

Claims 1-32 are pending in the application. Claims 1, 3, 4, 18, and 20-32 are withdrawn from consideration.

Claims 2, 5-17 and 19 are finally rejected under 35 USC § 103.

No New matter has been added.

### ***Advisory Action***

The advisory action mailed 4/2/2007 states that the prior amendment in response to the Final Office Action Mailed 2/7/2007 will not be entered as the affidavit filed after final as not entered as the applicant failed to provide a showing of good and sufficient reason why the affidavit or evidence was not earlier presented (see box 8). Applicants submitted Exhibit I and II in support of the affidavit under Rule 131 filed previously. Applicants assume that this is the 'evidence' that required a showing.

Applicants submit that Exhibits I and II were submitted in response to the Examiner's request made in the Office action mailed 2/2/07, however also note that the Exhibits were previously submitted concurrently with the declaration under Rule 131. Applicants enclose herewith a photocopy of the postcard bearing the stamp of the USPTO indicating the receipt of the Rule 131 declaration. The Exhibits and the Rule 131 declaration were a single document and therefore the Exhibits were not listed separately.

Applicants submit that the basis for the issuance of the Advisory Action is improper, that Applicants had previously complied with all the requirements for the submission of the declaration under Rule 131, however have submitted this response as a submission accompanying a Request for Continuing Prosecution to further prosecution.

### ***Rejections Under 35 U.S.C. § 103(a)***

Claims 2, 5-17, and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Templeton *et al.*, Langmuir 15:66-76 (1999), in view of Foos *et al.*,

Chem. Mater. 14:2401-08 (2002) and for reasons of record. Applicants respectfully traverse these rejections.

Applicants arguments made in the Response mailed 12/8/06 are relevant here and are hereby incorporated by reference. In the Response of 12/8/06 Applicants argued the Foos is not a valid reference under 35 USC § 103, in view of the declaration under Rule 131 submitted and signed by Ming Zheng, inventor. The Examiner notes that Exhibits 1 and 2 accompanying that declaration were missing and thus the declaration was unpersuasive.

Applicants re-submit here (i) the declaration under Rule 131, signed by inventor Ming Zheng, as well as Exhibits 1 and 2.

Applicants submit that in view of the declaration under Rule 131, the Foos is not available under 35 USC § 103 and the rejection under this section is rendered moot.

Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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